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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,925	02/11/2004	Jason E. Moore	9539-000091	2380
27572	7590	11/15/2006	EXAMINER	
HARNESS, DICKEY & PIERCE, P.L.C.			TO, TOAN C	
P.O. BOX 828			ART UNIT	
BLOOMFIELD HILLS, MI 48303			PAPER NUMBER	
			3616	

DATE MAILED: 11/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/776,925	MOORE ET AL.	
	Examiner	Art Unit	
	Toan C. To	3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-37 is/are pending in the application.
- 4a) Of the above claim(s) 26 and 27 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 31-37 is/are allowed.
- 6) ☒ Claim(s) 21-23, 29 and 30 is/are rejected.
- 7) ☒ Claim(s) 24, 25 and 28 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>2/11/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of species 1, represented by figure 7 in the reply filed on August 24, 2006 is acknowledged.
2. It is noted that applicant has not clearly identified the claims read on the elected species. Therefore, the examiner assumes that applicant identified all claims are readable on the elected species. In reviewing the elected species 1, claims 26-27 are withdrawn from further consideration by the examiner as being drawn to a nonelected species. In this case, the elected species does not show the "inlet has a generally oval shape" as claimed. Election was made **without** traverse in the reply filed on August 24, 2006.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 21-23 and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Havens (U.S. 5,191,813).

Havens discloses a vehicle driveline component comprising: a housing (22) defining a chamber (enclosed volume of the casing 22); a power transfer mechanism (44) having a shaft (60), the shaft (60) being supported for rotation by the housing (22) and extending outwardly from the housing (22); a wheel (76) coupled to the shaft for

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rotation therewith, the wheel (76) including a leading surface and a trailing surface, the wheel defining a duct (98) that extends through the leading surface and the trailing surface, the duct (98) being adapted to draw air therethrough when the wheel (76) is rotated; wherein the power transfer mechanism includes a differential (44); wherein the shaft (66) is an input pinion (see column 4, lines 18-21); wherein the wheel is disk shaped (see figure 11 and 12).

5. Claims 21 and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Kirchweger (U.S. 4,340,014).

Havens discloses a vehicle driveline component comprising: a housing (engine housing) defining a chamber (enclosed volume of the engine housing); a power transfer mechanism (combination of the engine 2 and crankshaft 1) having a shaft (1), the shaft (1) being supported for rotation by the housing and extending outwardly from the housing; a wheel (5) coupled to the shaft (1) for rotation therewith, the wheel (5) including a leading surface and a trailing surface, the wheel defining a duct (18) that extends through the leading surface and the trailing surface, the duct (18) being adapted to draw air therethrough when the wheel (18) is rotated; wherein the wheel (5) includes an outer peripheral surface (correspond to a surface of the inner pulley 5 which is in contact with the elastic member 7), and wherein the duct (18) lies radially inward of the outer peripheral surface (see position of the canal 18 in figure 1).

Allowable Subject Matter

6. Claims 24-25 and 28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Claims 31-37 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: the prior art reference either alone or in combination fails to disclose, teach or suggest a vehicle driveline component particularly comprising: a wheel that is coupled for rotation with the shaft member and disposed between the pinion gear and the yoke member, the wheel including a leading surface and a trailing surface, the wheel defining a duct that extends through the leading surface and the trailing surface, the duct being adapted to draw air therethrough when the wheel is rotated.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toan C. To whose telephone number is (571) 272-6677. The examiner can normally be reached on Mon-Fri (8:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (571) 272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TTo

November 9, 2006